



## Senegal

### Country Reports on Human Rights Practices - [2000](#)

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Senegal is a moderately decentralized republic dominated by a strong presidency. In March opposition leader Abdoulaye Wade, backed by a coalition of opposition parties, defeated President Abdou Diouf, whose Socialist Party had dominated political life for the past 40 years, in an election considered to be both free and fair and marred only by reports of sporadic pre-election violence and minor procedural irregularities. The post election transition period was markedly free from violence and characterized by good conduct on the part of all candidates. In 1998 the Government amended the Constitution to create a second legislative chamber, a Senate, to which the President appoints one-fifth of the members, and an electoral college consisting largely of elected local and regional government officials chooses most of the others. In protest against this electoral system, most of the opposition parties boycotted the first senatorial elections held by the Government in January 1999. The ruling Socialist Party won all seats in this election, and the Government formally inaugurated the Senate in February 1999. In May 1998, the PS won 50 percent of votes cast and 93 of 140 seats in elections for an expanded National Assembly. Unlike previous elections, these were supervised by a National Election Observatory (ONEL), independent of the Government. Although the elections were marred by violence and by persistent flaws in the electoral system, observers concluded that they were generally free, fair, and transparent. The Government continued to implement decentralized regional and local administrations. Sporadic fighting continued in the Casamance area in the southern part of the country between the Government and the secessionist Movement of Democratic Forces in the Casamance (MFDC). On December 16, the Government and the MFDC, joined by representatives from both the Gambia and Guinea-Bissau, met in Ziguinchor to start a new round of peace talks. The prospects for success of these talks were still unclear by year's end. The Constitution provides for an independent judiciary; however, it is subject in practice to government influence and pressure.

The armed forces are professional and generally disciplined. They traditionally remain aloof from politics and are firmly under civilian control. The paramilitary gendarmerie and the police are less professional and less disciplined. Some members of the security forces, the gendarmerie, and the police continued to commit serious human rights abuses.

The country is predominantly agricultural with about 70 percent of the labor force engaged in farming. Recorded gross domestic product (GDP) per capita is estimated at about \$600, but this excludes a large informal economy. Since the devaluation of the CFA franc in 1994, the Government has implemented a series of economic policy reforms to enhance competitiveness by dismantling monopolies, liberalizing markets, and privatizing several state-owned industries. Recorded GDP per capita has grown at an average rate of between 2 and 3 percent per year since 1995. Exports account for about one-third of recorded GDP, and are led by fish and fish products, phosphates and fertilizers, tourism, and peanuts. The Government continued to receive external assistance from international financial institutions and other sources, and such assistance represents approximately 32 percent of the national budget.

The Government generally respected the rights of its citizens in some areas; however, its human rights record was marked by serious problems in other areas. Free and fair presidential elections in March, in which the opposition candidate won, ended the Socialist Party's domination of political life; however, the previous Government's 1998 creation of a second legislative chamber, in which no members are elected directly by the citizenry and one-fifth of the members are appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State. Government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. Police tortured and beat suspects during questioning and arbitrarily arrested and detained persons.

Prison conditions are poor, and lengthy pretrial detention is a problem. The Government rarely tries or

punishes members of the military, gendarmerie, or police for human rights abuses. The judiciary is subject to government influence and pressure and suffers from low salaries and insufficient resources. In the past, the police sometimes infringed on citizens' privacy rights. At times the Government limited freedom of the press. There were some instances in which the Government limited freedom of assembly. In April the Government announced the establishment of a Human Rights Office in the President's office to investigate complaints filed by individuals regarding human rights violations. The office had not begun to function by year's end, although it reportedly received numerous letters. Domestic violence and discrimination against women, female genital mutilation, and child labor remained problems. Mob violence also is a problem.

Rebel MFDC forces reportedly were responsible for killings, torture, and rape.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

There were no confirmed reports of political killings by government officials; however, government forces reportedly were responsible for extrajudicial killings, including some civilian deaths. After a period of calm during 1999, the incidence of violence in the Casamance region increased during the year and resulted in some deaths. During the year, the press continued to report on frequent small arms attacks, raids, ambushes and clashes with military forces by suspected MFDC gunmen, with continuing military and civilian fatalities.

While there were no new reported cases of death caused by civilian law enforcement authorities this year, cases from previous years remained unsolved.

No investigation or other action was taken in the April 1999 case in which security forces shot a young man mistaken for a rebel.

In February 1998, police officers from the Thiaroye station in Dakar arrested and beat a young man after he tried to flee during an identity verification check. The young man died before receiving medical care, and the authorities listed the cause of death as natural. With the help of the African Assembly for the Defense of Human rights (RADDHO), a local human rights organization, the family of the deceased filed a legal complaint. According to RADDHO, in August 1999 the Dakar regional court supported the finding of "death from natural causes" and closed the case.

In December 1997, a child was shot and killed in the Hann area of Dakar when police opened fire on a group that was demonstrating against an eviction order. With the help of RADDHO, the family of the deceased filed a legal complaint in December 1998 which was still pending at year's end.

On many occasions vigilante groups and mobs lynched suspected thieves. This type of mob violence generally remains unpunished. However, on October 18, a mob in Medina killed a man suspected of having committed a burglary in the area. Members of the household allegedly robbed by the man and some of their neighbors were charged with manslaughter and tried on November 15 by the regional court in Dakar. On November 30, the court sentenced the accused to 6 months in prison.

On April 11, a group of suspected MFDC gunmen attacked a military post in Sare Wali, about 19 miles from the provincial capital of Kolda close to the border with Guinea-Bissau, killing 3 government soldiers. According to official sources, government forces killed 15 rebels during the incident. In a separate incident on April 11 suspected MFDC gunmen attacked the village of Fanda, during which they killed one government soldier, harassed civilians and stole property. According to official press sources, government security forces killed several MFDC gunmen during the attack.

There were at least two reports of deaths caused by the use of landmines by suspected MFDC rebels in the Casamance region. The incidents reportedly occurred in May in the Niomone and Cap Skirring areas, with eight civilian deaths reported in the Niomone area and two in the Skirring area.

#### b. Disappearance

There were no reports of politically motivated disappearances during the year.

In 1999 there were several credible reports of disappearances in connection with the conflict in the Casamance. In its 1999 annual report, RADDHO accused security forces of responsibility for the disappearance of seven civilians in June, and 3 suspected rebels in April of that year (see Section 1.d.). These persons remained unaccounted for at year's end.

In September a group of Casamance professionals helped family members of two missing persons, Alexis Etienne Diatta and Jean Diandy, file legal complaints against security forces for abduction. The families of both Diatta and Diandy reported the disappearances to civilian authorities, who were unsuccessful in finding either person. Government investigations into both disappearances reportedly are underway.

RADDHO alleged that government security forces abducted two civilians in September and December 1998 respectively. Their whereabouts remain unknown.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are credible reports that police and gendarmes often beat suspects during questioning and pretrial detention, in spite of constitutional prohibitions against such treatment. The press repeatedly reported instances of torture perpetrated by police, usually beatings, and the problem remained a serious public concern.

According to human rights activists from Guinea-Bissau, in June Senegalese security officials arrested four Guinea-Bissauan citizens from the border village of Kuntima in northern Guinea-Bissau. The four reportedly were suspected of involvement in attacks by armed robbers from Guinea-Bissau, or by MFDC separatist rebels. Human rights activists alleged that security forces tortured the suspects while they were detained in a jail in the city of Kolda. The suspects were released later that month.

Despite stronger legal provisions against torture put in place in 1997, those cases that are pursued often take years before a final judgment is reached. Government action to resolve the October 1998 case of alleged rough, abusive, and inhuman treatment of RADDHO's Casamance regional office head, Ankilling Diabone, by security forces remained pending during the year. According to RADDHO, the Government opened an investigation that it could not complete without interviewing Diabone, who went to France and has declined to return.

According to credible press reports, on May 5 suspected MFDC separatist rebels brutalized and raped four women abducted from a farm in Sanoun, close to the Guinea-Bissau border. The women were released the following day.

On June 21 suspected MFDC rebels attacked the village of Sare Kambi, and stole property. During the attack gunmen beat up a man and abducted his two wives. The rebels reportedly were attacking villages in the border area in retaliation for their alleged cooperation with government security forces.

On July 4, a panel of judges in the Court of Criminal Appeals dropped charges of torture and complicity in crimes against humanity made against former Chadian president Hissen Habre, arguing that the court has no jurisdiction in the case. Attorneys representing the coalition of human rights organizations that initiated the lawsuit appealed the decision before the Court of Final Appeals, and the case was pending at year's end.

Prison conditions are poor. Prisons remain overcrowded, and food and health care are inadequate. However, there have been no reports of deaths in prison as a result of these conditions.

The Government permits prison visits by independent human rights monitors. Local human rights groups such as RADDHO, the National Organization for Human Rights (ONDH), and the International Prison Observatory occasionally visit prisons.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the authorities at times arbitrarily arrest and detain persons.

The law specifies that warrants, issued by judges, are required for arrests; however, laws also grant the police broad powers to detain prisoners for lengthy periods. Police officers may hold without charge a person suspected of a crime for 48 hours after arrest and for up to 96 hours if ordered by a public prosecutor. This period may be doubled in the case of crimes against the security of the State. The prosecutor decides whether

to forward the case to an investigating judge who may open an investigation. At this point, the suspects are charged preliminarily and may be held or released on their own recognizance. There is a system of bail, but it rarely is used. During the initial 48 hours of detention the accused has no access to family or an attorney, but has the right to demand a medical exam. Government-sponsored legislation passed in January 1999 enhanced the rights of the accused by according the right to an attorney after this initial period of detention. Previously this right was accorded only after formal charges were filed. The accused may be held in custody for 6 months, and the investigating magistrate can certify that an additional 6-month extension is required. Such extensions may be reviewed by a court on appeal. The new legislation also gave judges the right to order release pending trial without the prosecutor's consent.

Police rarely are prosecuted for violations of arrest and detention procedures, and the authorities may detain a prisoner for long periods of time while they investigate and build a case against a suspect. The authorities routinely hold prisoners in custody unless and until a court demands their release. Despite the 6-month limitation on detention, the time between the charging phase and trial averages 2 years. In a 1998 effort to improve the administration of justice the Government recruited 48 law school graduates to be trained as magistrates over a 2-year period. In 1999 approximately 90 graduated judges were assigned to different courts nationwide, which allowed for the opening of judicial districts in all 30 administrative districts and access to the judicial system by citizens in the countryside.

According to human rights activists from Guinea-Bissau, in June Senegalese security officials arrested and detained four Guinea-Bissauan citizens from the border village of Kuntima in Northern Guinea-Bissau (see Section 1.c.)

Following fighting in the Casamance in late April 1999, the military rounded up 15 persons with Diola names on suspicion of involvement with the MFDC. All but three of these prisoners were released within 4 days; however, those three remained unaccounted for at year's end.

In January 1999, the National Assembly passed legislation to eliminate the law that held "acts or maneuvers aimed at casting discredit on government institutions" as criminal offenses punishable by imprisonment of 3 to 5 years and a fine of up to \$2,500 (1.5 million CFA francs). Legal experts considered this provision to be a legal instrument that the Government could use to jail political dissenters. On a few occasions in the past the Government had jailed opposition leaders under this provision, apparently on the basis of their political activities.

The Constitution prohibits exile, and it is not used.

#### e. Denial of Fair Public Trial

The Constitution provides for a judiciary independent of the executive, the legislature, and the armed forces; however, in practice it is subject to government influence and pressure. Magistrates are vulnerable to outside pressures due to low pay, poor working conditions, and family and political ties. Also, the Minister of Justice and subordinate authorities have extensive authority to influence judicial procedures by keeping the accused in pretrial detention.

The legal system is based on French civil law and is composed of ordinary courts and a number of higher and special courts, including the three created in May 1992 to replace the Supreme Court: The Council of State; the Constitutional Council; and the Court of Final Appeal. These courts remain understaffed, and many of the special courts, including one to deal with unlawful enrichment and others to try government officials for treason and malfeasance, are dormant. Muslims have the right to choose customary law or civil law for certain civil cases, such as those concerning inheritance and divorce. However, customary law decisions are rendered by civil court judges. There is a separate system of military courts for members of the armed forces and the gendarmerie. The right of appeal exists in all courts except military courts and the special Unlawful Enrichment Court. Military courts may try civilians only if they are involved in violations of military law committed by military personnel.

In principle the accused is innocent until proven guilty, and when brought to trial it is the State's burden to prove that the accused is guilty of the charges. Trials are public, and defendants have the right to be present in court, to confront witnesses, to present evidence, and to have an attorney. However, some defendants are denied legal assistance at public expense due to a lack of funding. Evidentiary hearings may be closed to the public and the press, but the defendant and counsel have access to all evidence presented and may introduce their own evidence before the investigating judge decides to refer the case to the prosecutor for trial. A panel of judges presides over ordinary courts for both civil and criminal cases; in criminal cases citizens also serve on the panel.

The Minister of Justice has taken steps to eliminate the backlog of cases in the judiciary system. In December the Government adopted legislation for the appointment of judges in charge of monitoring the implementation of court decisions and for the establishment of alternative justice mechanisms, including a "maison de la justice" to be staffed by voluntary jurists--usually retired judges or attorneys.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary invasion of the home, and there was little government interference in the private lives of citizens. The law requires search warrants, and only judges may issue them. In past years, during high profile or politically charged investigations, police often proceeded without the required search warrants; however, there were no reports of this during the year.

There were no reports that government officials monitored mail or telephone communications without judicial authorization.

MFDC rebels sought to collect supplies and money from civilians. On June 25 suspected MFDC separatist rebels attacked and stole civilian property in the villages of Sare Manfaly, Sare Ansou, Sare Yero Oussou, close to the border with Guinea-Bissau. In a separate violent attack launched on June 28, gunmen stole civilian property and set fire to village food supplies and seed stocks.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice; however, at times it imposed some limits on these rights. Laws prohibit the press from the expression of views that "discredit" the State, incite the population to disorder, or disseminate "false news." A criminal case against three Sud Communication journalists for defamation was pending at year's end.

On July 27, the Government filed a lawsuit against the publisher of the independent weekly paper Le Temoin and one of its reporters, on charges of publishing false news. The charges were made in connection with a story published by the newspaper a few weeks earlier, in which the newspaper claimed that President Wade had yelled at Mauritanian President Ould Taya during a telephone conversation. A few weeks earlier, the publisher of Le Temoin was interrogated twice by internal security officials. The lawsuit was pending at year's end.

On August 23, the Government charged the publisher and the Casamance correspondent of the independent daily newspaper Le Matin with publishing false news and undermining the morale of the armed forces and of the populace, and with compromising the State's internal security. The Government also charged the publisher of Le Matin with insulting the head of state. In a radio interview following the announcement of the Government's decision to file a lawsuit against Le Matin, the publisher of Le Matin criticized the Government's action. On August 26, after meeting with the publisher and owner of Le Matin, President Wade withdrew all of the lawsuits that he had filed against both Le Matin and Le Temoin.

On December 13, the Government issued a general warning to the national press that the dissemination of communications from the MFDC would be considered attempts to derail the Casamance peace process and would be prosecuted under the penal code. On the same day, the publisher and managing editor of the newspaper Le Populaire were summoned and interrogated for 7 hours by the criminal investigation division after the newspaper published a review of the 19-year old Casamance conflict. On December 16, they were arrested and then released on the same day after being charged with "disseminating false news and undermining public security." Their cases were pending at year's end.

A broad spectrum of thought and opinion is available to the public through regularly published magazines and newspapers, including foreign publications. Political and economic views expressed in the independent press often are critical of the Government and its programs. While publishers are required to register prior to starting publication, the Government routinely approves such registrations.

Radio, being relatively inexpensive, remained the most important medium of mass information and the main source of news for citizens outside urban areas. Six privately owned radio stations broadcast within the

country; of these, citizens own five. There are also three international stations that rebroadcast within the country. All of the locally owned stations broadcast national news and political commentary. Some of them often were critical of the Government; no harassment was reported.

A government monopoly controls local television, an important source of news. While there are no privately owned domestic television stations, French-owned pay television is available but offers no local news.

In August 1999 the Government investigated an incident in which some followers of a local Islamic leader belonging to the Mouride Brotherhood set fire to the bedroom of the local correspondent of a Dakar-based daily newspaper. The case was closed without arrests or criminal charges that same month.

At year's end, at least 10 Internet service providers operated in the country. The Government did not restrict access to the Internet. A personal account with unlimited access time cost about \$18 (10,000 CFA francs) per month. Several cybercafes in the capital city, Dakar, provided short-term access to the Internet that was used by many persons unable to afford personal accounts.

Academic freedom generally is respected; however, student meetings on part of the campus of the University of Dakar are banned informally (see Section 2.b.), ostensibly to prevent militant student groups from disrupting classes and studies. In March 1999, on two occasions, police forcibly dispersed, and destroyed the property of, students demonstrating on the campus of Dakar University in favor of increased scholarships (see Section 2.b.). In December 1999, police personnel also forcibly dispersed similar protests by students demanding immediate payment of scholarships (see Section 2.b.).

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and while the Government generally respected this provision in practice, there were a few instances in which the Government limited this right. The Government requires prior authorization for public demonstrations, which it usually grants. Meetings by students on the academic campus of the University of Dakar are banned informally, but this prohibition does not extend to the dormitory areas of the campus. In March and December 1999, police officials forcibly dispersed two unauthorized student demonstrations.

While in past years, the Government frequently denied authorization or forcibly dispersed peaceful marches by the opposition, there were significantly fewer such incidents during the year. In January the Government authorized a peaceful march by the Front for Election Transparency (FRTE), a group composed of representatives of all opposition parties and formed for the purposes of the march, to protest alleged irregularities in the electoral process, including the importation of voter cards from Israel. Prominent opposition leaders and thousands of their supporters joined the march to the Ministry of the Interior (MOI) where march leaders formally delivered their platform to the Minister. However, on November 15, the Government, citing security concerns, banned a political rally called by the Front for Patriotic Alliance, a minor political party.

The Constitution provides for the right of association, and the Government generally respects this provision in practice. Citizens who wish to form associations must register with the MOI. Business-related associations register with the Ministry of Commerce. By law and in practice, the MOI must register such groups as long as the objectives of the association are stated clearly and they do not violate the law.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

Any group--religious or other--that wants to form an association with legal status must register with the MOI in accordance with the civil and commercial code. Registration, which generally is granted, enables an association to conduct business, including owning property, establishing a bank account, and receiving financial contributions from any private source. Registered religious groups, like all registered nonprofit organizations, also are exempt from many forms of taxation. The Minister must have a legal basis for refusing registration. There were no reports of any applications for such registration being delayed or denied during the period covered by this report.

#### d. Freedom of Movement Within the Country, Foreign Travel Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. Some public employees, including teachers, are required by law to obtain government approval before departing the

country, although this is not regularly enforced in practice.

At times, usually during sweeps for MFDC rebels, the security forces temporarily restricted access to the Casamance region or areas within it. The security forces also regularly maintained checkpoints in the Ziguinchor region to screen for MFDC rebels and arms transports. Security forces generally allowed travelers to proceed after checking documents and searching vehicles. In late July and early August, citizens in the Kolda and Ziguinchor regions closed the border with Guinea-Bissau for several days to protest the Government's failure to provide adequate security.

Following several violent attacks perpetrated by suspected MFDC separatists from neighboring Guinea Bissau, more than 2,600 civilians from the rural communities of Tankato Escale and Sare Yoba, including women, elderly people and children, fled from their homes and sought refuge in the region of Kolda, where they received government resettlement assistance.

The law includes provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Since 1989 as a country of first asylum, Senegal has hosted Mauritanian refugees. The Government cooperates with the UNHCR and other humanitarian organizations in providing assistance for refugees. The UNHCR reported no significant protection problems for these refugees. While no formal repatriation agreement exists with the UNHCR, the two governments have cooperated to permit repatriation for several years. As a result, the UNHCR terminated its assistance programs for Mauritanian refugees at the end of 1998, although it continued to provide protection services. Mauritanian refugees generally live in dispersed locations along the length of the Senegal-Mauritania border and are allowed free movement within Senegal. However, most of these refugees are unable to obtain current refugee documents from the authorities and sometimes encounter administrative difficulties when using their expired refugee application receipts issued in 1989. Due to the lack of a formal and supervised repatriation, and in the absence of an up-to-date registration program, the exact number of remaining Mauritanian refugees is difficult to establish. The UNHCR estimates that under 30,000 remain in the country.

Several hundred Guinea-Bissauan refugees chose to remain in Senegal, living with relatives or on their own.

There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the constitutional right to change their Government through periodic multiparty elections, and they exercised this right during the February/March presidential election that ended the Socialist Party's 40-year domination of political power. After 26 years in opposition, Abdoulaye Wade, backed by a coalition of opposition parties, defeated incumbent President Abdou Diouf in what was considered to be a free and fair election, which was marred only by reports of sporadic preelection violence and minor procedural irregularities. A new draft constitution, originally scheduled for a popular referendum in November, was postponed; a referendum is scheduled to take place in 2001. However, the previous Government's 1998 creation of a second legislative chamber, in which no members are directly elected by the citizenry and one-fifth of the members are appointed by the President, reduced the ability of citizens to change their Government and increased the presidency's domination of the State.

In 1998 the National Assembly passed legislation proposed by the Government to increase its membership from 120 to 140 in order to equalize the number of deputies elected by simple majority vote in the districts and by proportional representation nationwide. There are 56 legally registered parties.

Also in 1998, the National Assembly passed a bill that created a second legislative chamber, a 60-member Senate. Forty-five of its members are elected by an electoral college on the basis of dual proportional and majority systems and regional slates. The electoral college has 13,920 members consisting of elected local government officials and members of the National Assembly. The President appoints 12 members of the Senate, and the remaining 3 are elected from slates representing several associations of expatriate citizens. Most major opposition parties decided to boycott the first Senate election held in January 1999 under this electoral system because the ruling party's domination of elected local and regional offices gave opposition parties little chance of winning Senate seats. With the exception of 2 minor party members who filled appointed seats, the Senate, inaugurated in February, was made up entirely of PS members until the March Presidential elections, after which 6 PS senators defected to the PDS.

In 1997 the Government created the National Observatory of Elections to supervise and oversee elections. The ONEL was established as a temporary, independent oversight body empowered to order bureaucrats to

obey the law and to take legal action against individuals and parties who violated it. The MOI remains responsible for the actual organization and implementation of the elections, which is done through a directorate of elections. The ONEL significantly improved the level of transparency of the May 1998 National Assembly elections and the February/March presidential election, despite persistent flaws in the system. In July the Prime Minister announced the Government's intention to transform the ONEL into a permanent independent electoral commission; however, this had not occurred by year's end.

The period prior to the March elections was marked by some violence. In February during the election campaign, suspected PDS militants in Saint Louis set fire to the office of the pro-Diouf PLS party, a spin-off of the PDS party. The incident followed a clash between activists from both parties. During the same month, opposition activists in Rufisque set fire to the house of the Socialist Party mayor following a clash between supporters of the opposition candidate Abdoulaye Wade and those of then-President Diouf.

The electoral process was marked by minor irregularities such as the illegal issuance of birth certificates to Socialist party supporters in Keur Madiabel by a judge in the district court in Kaolack. Following a complaint filed by the ONEL, the documents were cancelled. ONEL also noted that national identity card applications were processed illegally in some instances. Access to personal identification cards was an important issue in the election, since they are necessary to vote.

Elections are held by balloting that is described officially as secret but may permit voters to leave the polling place with evidence of how they voted. At polling places on election day, registered citizens receive a package of ballot papers, one for each candidate. Each citizen votes by depositing into a sealed ballot box, alone inside a closed booth, an envelope containing one of these ballots. In the same booth, a trash receptacle is provided in which the voter may privately dispose of the unused ballots; however, polling officials cannot readily ensure that this is done. Nevertheless, despite apparent potential for abuse, this balloting system has not been the subject of complaints or reports of abuse in recent elections.

Women are underrepresented in the political process. While there are no legal impediments to their participation in government and politics, cultural and educational factors hamper them. In addition political parties often rank women low on party lists, making it difficult for them to be elected to the National Assembly or to be appointed ministers. Only 5 of the 29 ministers in the President's Cabinet are women, and there are only 2 women in the 19-member Economic and Social Council, the Government's policymaking body. During 1999, a woman, Marieme Wane Ly, formed and headed a political party for the first time. Only 18 female deputies hold seats in the 140-member National Assembly. There are only 10 women in the 60-seat Senate. Women's lower representation reflects not only a disparity in education (see Section 5) but also cultural factors.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally are cooperative and receptive to their views.

In 1997 the Government enacted a law to strengthen the National Committee on Human Rights. The Committee includes members from the Government and civic organizations, including private human rights groups. It may, on its own initiative, investigate human rights abuses, including torture; however, it did not investigate any cases of abuse during the year.

In July a panel of judges dropped charges of torture and complicity in crimes against humanity that the Government brought against former Chadian President Hissen Habre (see Section 1.c.)

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution states that "men and women shall be equal in law" and prohibits discrimination based on race, religion, sex, class, or language. However, discrimination against women is pervasive, and the Government frequently does not enforce antidiscrimination laws.

##### Women

There are credible reports that violence against women, usually wife beating, is common. According to a study funded by the Canadian Center for International Research and Development (CECI) focusing on the capital Dakar and on the city of Kaolack, 87 percent of 515 women interviewed had suffered from some form of



domestic violence. The study also showed that domestic violence was more widespread in Dakar than in Kaolack. Police usually do not intervene in domestic disputes, and most people are reluctant to go outside the family for redress. In contrast, the law and society view rape as a very serious crime, and the law stipulates that persons convicted of rape may be imprisoned for up to 10 years. If the victim is a minor, her age is considered an aggravating circumstance. Rape trials often result in convictions. In January 1999, the Government passed legislation amending the criminal law to make sexual harassment a crime punishable by imprisonment of up to 3 years and a fine of \$650 (500,000 CFA francs). The legislation also increased the potential fine for domestic violence to \$650 (500,000 CFA francs) and the length of imprisonment for domestic violence to 5 years. Several women's groups have formed to address this problem.

Despite constitutional protections, women face extensive societal discrimination, especially in rural areas where Islamic and traditional customs, including polygyny, and Islamic rules of inheritance are strongest, and women generally are confined to traditional roles. By law women have the right to choose when and whom they marry; however, in some areas, traditional practice can restrict a woman's choice. The minimum age of consent to marry is 21 for males and 16 for females. Under certain conditions, a judge may grant a special dispensation to a person under age. The law is not enforced in some communities, where marriages occasionally are arranged. Under family law, women may or may not consent to polygynous unions when contracting a marriage; however, once in polygynous unions women do not have the right of notification or approval prior to a subsequent marriage. In the countryside, women perform much of the subsistence farming and child rearing and have limited educational opportunities. Although the Government has committed itself to equalizing male and female primary school enrollment, there is still much social discrimination against women in educational opportunities. Only 23 percent of females over 15 years of age are literate, while the rate for males over age 15 is 43 percent.

It is estimated that only 20 percent of women are engaged in paid employment. Moreover, traditional practices make it difficult for women to obtain bank credit. Due to the fact that legally men are considered heads of household, women pay higher taxes than men for equal wages and employers pay child allowances to men and not women. Women usually marry young (the majority by age 16 in rural areas) and average 5.7 live births (down from 7 in 1995). About half of all women live in polygynous unions.

In urban areas, women encounter somewhat less discrimination and are active in government, political life, the legal profession, and business. About 14 percent of lawyers are women. Urban women are more likely to take advantage of the Government's efforts to increase respect for women's legal rights to divorce, alimony, and child support, and to seek education and employment. In general urban women receive equal pay for equal work.

#### Children

The Ministry of Family, Social Action, and National Solidarity, established in 1990 (formerly the Ministry of Women, Children, and the Family, and renamed in 1998), is responsible for promoting children's welfare. Numerous organizations assist the Ministry in support of children's rights, including the Ministry of Health, which maintained a nationwide effort focusing on child survival. The Government continues to increase the number of classrooms and encourage more children, particularly females, to enter and stay in school. The law requires that children attend school until age 12, but this is not enforced due to a shortage of schools. Organized street begging by children who are Koranic students results in a significant interruption of their education, and many children work in their family's fields (see Section 6.d.).

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is not practiced by the country's largest ethnic group, the Wolofs (representing 43 percent of the population), but it is performed on girls belonging to some other ethnic groups. Infibulation, the most extreme and dangerous form of FGM, is practiced by members of the Toucouleur and Peulh ethnic groups, particularly those in rural areas. Unsubstantiated recent studies estimate that between 5 and 20 percent of girls are mutilated.

In January 1999 the Government passed legislation banning FGM. The law made FGM a criminal offense, carrying a jail term ranging from 6 months to 5 years for persons directly practicing FGM or ordering it to be carried out on a third person. Most human rights organizations considered the law to be a decisive step towards greater protection of women. However, a few women's rights activists criticized the new legislation because they perceived it as being dictated by Western donors. A few Muslim religious leaders also criticized the law because they consider FGM to be a religious practice. While the Government sponsors programs to educate women regarding the dangers of FGM, other critics of the new law contended that these programs should have been more widespread prior to implementation of the ban.

On April 7, inhabitants of 26 villages on the Sine Saloum Islands publicly announced their decision to ban the practice of FGM in their communities. The decision was the result of an educational campaign initiated by the

Government with the assistance of a number of international and domestic NGO's. Since July 1997, approximately 172 villages nationwide have banned FGM among their inhabitants.

In January 1999, the Government passed a law mandating longer jail terms of up to 10 years for convicted pedophiles.

#### People With Disabilities

There are no laws that mandate accessibility for the disabled, and in practice most persons with disabilities are generally unable to participate in many occupations due to physical barriers and a lack of equipment and training opportunities that would make such participation possible.

On June 29, the Council of State (the country's highest administrative court) ruled on an antidiscrimination lawsuit filed in October 1999 by the National Association of Disabled People (ANHMS) against the regional educational board in the eastern province of Tambacounda. The board had refused to hire a physically disabled candidate who had passed a recruitment test, on the grounds that physically disabled persons are not qualified for the job of teaching. The court overruled the board's decision on the grounds that a physical disability did not represent a valid legal ground for barring a person from teaching.

#### National/Racial/Ethnic Minorities

The country is ethnically diverse. The largest ethnic groups are the Wolof (more than 40 percent of the country's population), the Pular (also called Peuhl or Fulani, nearly 25 percent), and the Serer (more than 15 percent). Other smaller groups include the Diola, Mandingo, and Soninke. Each group has its own primary language although French and Wolof are widely used as secondary languages. While general regions of origin can be identified for most ethnic groups, these regional separations are no longer distinct.

In most of the country, ethnic and regional tensions have not contributed significantly to recent human rights abuses, and opposition to the Government generally has taken the form of nonviolent political parties that have not had readily identifiable ethnic or regional bases. This has not been true in the Casamance region, the part of the country to the south of The Gambia. Casamance is substantially less arid, less Islamic, and less Wolof than the rest of the country. Resentment on the part of Casamance groups, including the Diola, of domination by northerners, including the Wolof, reportedly has contributed significantly to the secessionist MFDC rebellion in the Casamance region, which began in 1982 and has continued to give rise to many human rights abuses (see Sections 1.a., 1.c., and 1.g.). Flaws in the country's first local and regional elections, held in 1996, have reduced the effectiveness of the Government's ongoing decentralization program.

### Section 6 Worker Rights

#### a. The Right of Association

The Constitution and the Labor Code provide all workers with the right of association, and they are free to form or join unions; however, the Labor Code requires the Minister of the Interior to give prior authorization before a trade union can exist legally.

The International Labor Organization (ILO) continued to call on the Government to ensure that trade unions are not subject to dissolution by administrative authority and to amend the law, which accords power to the Minister of Interior to approve the formation of unions. Any group of workers in the same occupation, similar trades, or the same professions may form a union. While the Ministry does not always grant initial recognition to a union, once it gives recognition, it virtually never withdraws it. However, the Government may disband a union if its activities deviate from its charter. The Labor Code does not apply to the informal and agricultural sectors where most persons work.

Although they represent a small percentage of the working population, unions wield significant political influence because of their ability to disrupt vital sectors of the economy. The small industrial component of the total work force of 4 million is almost totally unionized. The only union in the agrarian sector is one representing workers at a privately owned sugar company. Some farmers are organized into the National Farming Association, an advocacy organization.

The National Confederation of Senegalese Workers (CNTS), the largest union organization, has close ties to the Socialist Party, and several members hold Socialist Party seats in the Assembly. While ostensibly an independent organization, the umbrella CNTS consistently supported government policies during the Diouf administration.

The rival to the CNTS is the National Union of Autonomous Labor Unions of Senegal (UNSAS). The UNSAS is a federation of strategically important unions such as those formed by electrical workers, telecommunication workers, teachers, water technicians, and hospital, railroad, and sugar workers.

The Constitution and the Labor Code provide for the right to strike, but with restrictions. Unions representing members of the civil service must notify the Government of their intent to strike no less than 1 month in advance, and private sector unions must make a similar notification 3 days in advance. The Government or the employer can use the time to seek a settlement to the dispute but cannot stop the strike.

There were no illegal strikes during the year.

The Labor Code permits unions to affiliate with international bodies. The CNTS is active in regional and international labor organizations and is the dominant Senegalese member of the Organization of African Trade Union Unity.

#### b. The Right to Organize and Bargain Collectively

The law provides unions with the right to organize and to bargain collectively, and these rights are protected in practice. There are also legal prohibitions governing discrimination by employers against union members and organizers. Employers found guilty of antiunion discrimination are required to reinstate workers. There were no known instances in which workers were prevented from exercising the right to organize and bargain collectively. The Ministry of Labor (MOL) can intervene in disputes between labor and management if requested, and it plays a mediation role in the private and state enterprise sectors.

Labor laws apply to all industrial firms including those in the Dakar industrial free trade zone.

#### c. Prohibition of Forced or Compulsory Labor

There were no reports of forced or bonded labor, which is prohibited by law. The Constitution prohibits child labor of all kinds, including forced and bonded labor, and the Government enforces this ban in the formal sector. There were no reports that forced or bonded labor by children takes place in the informal or agricultural sectors.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution bans child labor of all kinds, and the Government enforces this ban in the formal sector, which is under the purview of the labor law. However, instead of attending school, many children work in their family's fields.

In 1998 the country began a 3-year program of action for the elimination of child labor, the International Program for the Elimination of Child Labor (IPEC), which is scheduled for completion in 2001. Under the law, the minimum age for employment is 16 years for apprenticeships and 18 years for all other types of work. In June the legislature ratified ILO Convention 132 To Eliminate the Worst Forms of Child Labor; it is scheduled to take effect in 2001. Inspectors from the MOL closely monitor and enforce minimum age restrictions within the small formal wage sector, which includes state-owned corporations, large private enterprises, and cooperatives. However, children under the minimum age frequently work in the much larger traditional or informal sectors, such as family farms in rural areas or in small businesses, where the Government does not enforce minimum age and other workplace regulations. On June 1, Senegal ratified ILO Convention 182, outlawing the worst forms of child labor.

The Constitution prohibits child labor of all kinds, including forced and bonded labor, and there is no evidence that forced or bonded child labor takes place in the informal or agricultural sectors (see Section 6.c.).

#### e. Acceptable Conditions of Work

Legislation mandating a monthly minimum wage has been in force since the country's independence in 1960. The Ministries of Labor and Finance determine wage rates after negotiating with the unions and management councils. The minimum wage is \$0.37 (223.7 CFA francs) per hour. This wage still is not adequate to provide a decent standard of living for a worker and family.

Within the formal sector, the law mandates a standard workweek of 40 to 48 hours for most occupations, with at least one 24-hour rest period and 1 month per year of annual leave; enrollment in government systems for social security and retirement; safety standards; and a variety of other measures. These regulations are incorporated into the Labor Code and are supervised by inspectors from the MOL. However, enforcement is uneven, especially outside the formal sector.

There is no explicit legal protection for workers who file complaints about unsafe conditions. While there are legal regulations concerning workplace safety, government officials often do not enforce them. In theory workers have the right to remove themselves from unsafe working conditions, but in practice the right seldom is exercised in circumstances of high unemployment and a slow legal system.

f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports from Portugal that women from Senegal were trafficked there for purposes of forced prostitution.

[End.]